



15 FEB 2000

UNITED STATES DEPARTMENT OF COMMERCE
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Patent Cooperation Treaty
Legal Office

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

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In re Application of
Alain CHIELENS, et al.
Serial No.: 09/194,839
PCT No.: PCT/FR98/00750
Int. Filing Date: 14 April 1998
Priority Date: 16 April 1997
For: CYLINDRICAL DRUM SUPPORT
DEVICE

: DECISION ON
: PAPERS FILED
: UNDER 37 CFR 1.42 AND 1.44

This is a decision on the papers filed 03 December 1998.

On 14 April 1998, applicants filed international application PCT/FR98/00750, which claimed priority of an earlier French application filed 16 April 1997. A copy of the international application was received by the United States Patent and Trademark Office from the International Bureau on 22 October 1998. Accordingly, the twenty month period for paying the basic national fee in the United States expired at midnight on 16 December 1998. Applicants paid the basic national fee of \$840.00 on 03 December 1998.

In order to satisfy the requirement of 35 U.S.C. 371(c) and 37 CFR 1.494, applicants submitted a declaration of the inventors executed by Alain Chielens, a co-inventor, and by Guillaume METTAVANT and Stephanie METTAVANT as heirs of deceased joint inventor Pierre METTAVANT.

No papers have been filed establishing that Guillaume METTAVANT and Stephanie METTAVANT are the legal representatives or are all of the heirs of deceased joint inventor Pierre METTAVANT. See MPEP section 409.01 (a) and (b).

The problem with the declaration is that there is not an indication that Guillaume METTAVANT and Stephanie METTAVANT are the sole heirs or the legal representatives for the deceased inventor. That is, there may be other heirs who are also required to sign the declaration. The proof of authority is not necessary prior to issuance of a patent, however,

the declaration must indicate that Guillaume METTAVANT and Stephanie METTAVANT are the sole heirs or are the legal representatives for the deceased for acceptance of the application under 37 CFR 1.42. Alternatively, applicants' attorney may file a statement certifying that Guillaume METTAVANT and Stephanie METTAVANT are the sole heirs or are the legal representatives.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is presently DISMISSED.

If reconsideration of the merits of the status under 37 CFR 1.42 is desired, applicants are required to correct the above-noted defects within **ONE(1) MONTH** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

It should also be noted that the proof of authority of the legal representatives in compliance with 37 CFR 1.44 MUST be submitted before the grant of a patent.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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